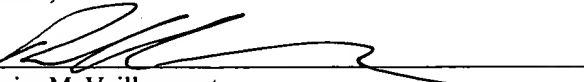


I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 15, 2007,

By:   
Denise M. Vaillancourt

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of CALIGIURI et al.

Serial No.: 09/855,342

Examiner: S. Rawlings

Confirmation No.: 8842

Art Unit: 1643

Filed: May 14, 2001

For: METHODS OF THERAPY FOR CANCERS CHARACTERIZED BY  
OVEREXPRESSION OF THE HER2 RECEPTOR PROTEIN

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(b)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.  
§§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copy of the publication \_\_\_\_\_ listed on the attached Form PTO/SB/08A are being provided because the Office waives the requirement under 37 C.F.R. 1.98 (a) (2) (i) for submitting a copy of each cited U.S. patent and each U. S. patent application publication for all U.S. national patent applications filed after June 30, 2003.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ Publication(s) \_\_\_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_\_\_ application serial no. \_\_\_\_\_ and mailed on \_\_\_\_\_.
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☐ before the mailing date of a first office action on the merits; or
- ☒ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: February 15, 2007

Respectfully submitted,

Novartis Vaccines and Diagnostics, Inc.  
Intellectual Property – R440  
P.O. Box 8097  
Emeryville, CA 94662-8097

By:

Jenny Buchbinder  
Jenny Buchbinder  
Reg. No. 48,588



Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/855,342
				Filing Date	May 14, 2001
				First Named Inventor	CALIGIURI et al.
				Group Art Unit	1643
				Examiner Name	S. Rawlings
Sheet	2	of	2	Attorney Docket Number	PL015993.0002 (2300-15993)

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	AA	BURGESS et al., "POSSIBLE DISSOCIATION OF THE HEPARIN-BINDING AND MITOGENIC ACTIVITIES OF HEPARIN-BINDING (ACIDIC FIBROBLAST) GROWTH FACTOR-1 FROM ITS RECEPTOR-BINDING ACTIVITIES BY SITE-DIRECTED MUTAGENESIS OF A SINGLE LYSINE RESIDUE," The Journal of Cell Biology, 111:2129-2138 (1990)		
	AB	LAZAR et al., "TRANSFORMING GROWTH FACTOR α: MUTATION OF ASPARTIC ACID 47 AND LEUCINE 48 RESULTS IN DIFFERENT BIOLOGICAL ACTIVITIES", Molecular and Cellular Biology, 8(3):1247-1252 (1988)		
	AC	LEYLAND-JONES, "DOSE SCHEDULING-HERCEPTIN," Oncology, 61(2):31-36 (2001)		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>1</sup> Applicant is to place a check mark here if English language Translation attached.